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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,481	04/02/2001	Tomoyuki Seki	5077-000028	9071
7590 08/11/2004				
Hamess, Dickey & Pierce, P.L.C. Gregory A. Stobbs P.O.Box 828 Bloomfield Hills, MI 48303			EXAMINER LEVI, DAMEON E	
			ART UNIT 2841	PAPER NUMBER

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A

**Office Action Summary**

Application No.

09/824,481

Applicant(s)

SEKI ET AL.

Examiner

Dameon E Levi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/10/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Dixon et al US Patent 4677338 in view of Fukuyo et al US Patent 6580200.**

**Regarding claim 1,** Dixon et al discloses a lamp comprising:

a luminous bulb in which a luminous material is enclosed and a pair of electrodes are opposed in the luminous bulb; and a pair of sealing portions for sealing a pair of metal foils electrically connected to the pair of electrodes, respectively, each of the pair of sealing portions including a shrink seal structure and each of the pair of metal foils including an external lead on a side opposite to a side electrically connected to a corresponding electrode of the pair of electrodes, (for example, see elements 6,7,2,3,4,5,8,9, Fig 1)

Dixon et al does not expressly disclose:

wherein at least one of the pair of sealing portions is provided with at least one constricted portion, each of the at least one constricted portions being formed along an outer surface of the at least one sealing portion in an area between an end of the electrode and an end of the external lead, but not formed in an area in which the electrode and the metal foil are connected and not formed in an area in which the

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external lead and the metal foil are connected.

Fukuyo et al discloses a lamp wherein at least one of a pair of sealing portions is provided with at least one constricted portion, each of the at least one constricted portions being formed along an outer surface of the at least one sealing portion in an area between an end of the electrode and an end of the external lead, but not formed in an area in which the electrode and the metal foil are connected and not formed in an area in which the external lead and the metal foil are connected (for example, see, elements S, 2, 202a, 202b, Fig 1).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the sealing portion with a constricted portion as taught by Fukuyo et al in the lamp as taught by Dixon et al in order to achieve an airtight performance of the lamp (see Fukuyo et al column 4, lines 22-27)

**Regarding claim 15**, Dixon et al discloses wherein the length of at least one of the constricted portions in the direction substantially perpendicular to the surface of the metal foil in the sealing portion is 70 to 90% of the length of the other portions without the constricted portion (for example, see constricted portions on elements 2,3, Fig 1)

**Regarding claim 16**, Dixon et al discloses wherein one of the other portions is the sealing portion wherein the electrode is disposed (for example, see Fig 1)

**Regarding claim 17**, Dixon et al discloses wherein one of the other portions is the sealing portion wherein the electrode is disposed (for example, see Fig 1)

**Regarding claim 18**, Dixon et al discloses wherein at least one of the constricted portions is provided in a portion relatively nearer to the luminous bulb side, rather than a

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center of the sealing portion (for example, see Fig 1)

**Regarding claim 19**, Dixon et al discloses wherein a plurality of constricted portions are formed on the sealing portion (for example, see constricted portions on elements 2,3, Fig 1).

**Regarding claim 20**, Dixon et al discloses wherein end: of the pair of sealing portions on a side opposite to the luminous bulb side are tapered (for example, see Fig 1 )

**Regarding claim 21** , Dixon et al discloses wherein each of the pair of metal foils is attached tightly to a glass portion extended from the luminous bulb, and wherein each of the pair of metal foils is a molybdenum foil (for example, see Fig 1, see column 3, lines 18-40).

**Regarding claim 22**, Dixon et al discloses wherein the luminous material comprises at least mercury (for example, see column 1 , lines 26-30).

**Regarding claim 23**, Dixon et al discloses wherein a thickness of a glass portion from a side face of the metal foil to the surface of the constricted portion is at least 12mm (for example, see Fig 1).

**Regarding claim 24**, Dixon et al discloses wherein cross-sectional shapes of the sealing portion and the constricted portion are circular, and an outer diameter of the constricted portion is smaller than that of the other portions(for example, see Fig 1).

**Regarding claim 25**, Dixon et al discloses a lamp unit comprising the discharge lamp and a reflecting mirror for reflecting light emitted from the discharge lamp (for example, see Fig 1 , also see Abstract).

**Regarding claim 26**, Dixon et al discloses wherein the at least one constricted portion

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is only formed in an area between an end of the electrode and an end of the external lead (for example, see Fig 1)

***Response to Arguments***

Applicant's arguments with respect to claims 14-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C Patel can be reached on (571) 272-2098. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dameon E Levi  
Examiner  
Art Unit 2841

DEL



**TULSIDAS PATEL**  
**PRIMARY EXAMINER**